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VIA ELECTRONIC FILING

Honorable Sandra J. Feuerstein
United States District Court
Eastern District of New York
United States Courthouse
290 Federal Plaza
Central Islip, New York 11722-4437

Re: Carter v. Ocean Beach, et al.
Case No.: 07 Civ. 1215 (SJF)(ETB)

Your Honor:

The law firm of Rivkin Radler LLP represents Defendants, Incorporated Village of Ocean Beach, Ocean Beach Police Department, Joseph Loeffler and Natalie Rogers, (hereinafter "Village Defendants"), in the above-entitled action, which Your Honor summarily dismissed on February 19, 2010. By way of letter, dated March 8, 2010, we advised Your Honor that the Village Defendants were prepared to move for the recovery of attorneys' fees, costs and/or sanctions against plaintiffs and/or plaintiffs' counsel. However, plaintiffs had appealed the Court's dismissal, which prevented the Court from awarding "Taxable Costs" at the time. See, Local Rule 54.1. The Village Defendants' requested, and Your Honor granted, a 30 day extension of the Village Defendants' time to file its various motions pending resolution by the Second Circuit Court of Appeals.

As Your Honor is no doubt aware, the Second Circuit Court of Appeals issued a Summary Order on March 18, 2011, which affirmed the dismissal of plaintiffs' action. Accordingly, the Village Defendants currently have until April 18, 2011, to file the motion for attorneys' fees, costs and/or sanctions. However, we respectfully request that Your Honor grant the Village Defendants one additional week, up to and including April 25, 2011, to file the motion for attorneys' fees, costs and/or sanctions against plaintiffs and/or plaintiffs' counsel.



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Since the Second Circuit Court of Appeals issued its decision on March 18, 2011, I have been preparing for, and actually engaged on, trial in Supreme Court, Nassau County, in the action entitled *Bana Electric Corporation v. Bethpage Union Free School District, Index. No. 4494/2005* (Buccaria, J.) for the better part of the last month. The trial commenced on March 28th and closing arguments are scheduled to be conducted on Thursday, April 14, 2011. The Village Defendants do not believe that plaintiffs will be prejudiced in any manner by this brief one week extension of time to file the motion.

Thank you for your consideration of this request.

Respectfully submitted,

RIVKIN RADLER LLP

/s/

Kenneth A. Novikoff

MPW/

cc: Douglas Wigdor, Esq. (Via ECF)
Kevin W. Connolly, Esq. (Via ECF)
Arlene Zwilling, Esq. (Via ECF)

Peter P. McNamara, Esq. (i/o)